

Filed by:

Trial Division Merits Panel  
Board of Patent Appeals and Interferences  
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Filed 18 January 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Senior Administrative Patent Judge McKelvey)

SUSAN F. GONSALVES,

Junior Party  
(Patent 5,576,317),

v.

RUSSELL MICHAEL HAGAN and KEITH THOMAS BUNCE,

Senior Party  
(Application 09/985,679).

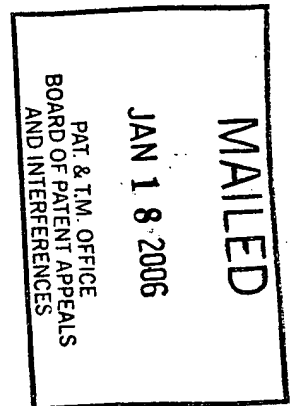
Patent Interference 105,375  
Technology Center 1600

Before McKELVEY, Senior Administrative Patent Judge, and TIERNEY  
and MOORE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

**JUDGMENT**

The board has received from Gonsalves a document styled  
SUSAN F. GONSALVES REQUEST FOR ADVERSE JUDGMENT (Paper 10). The  
paper states:



Party SUSAN F. GONCALVES lacks sufficient economic interest in the subject matter of this interference to contest priority. Therefore pursuant to 37 CFR 41.127(b), Party SUSAN F. GONSALVES will not contest the interference.

Upon consideration of the request, it is ORDERED that the request is granted.

FURTHER ORDERED that judgment on priority as to Count 2 (the sole count in the interference; Paper 11, page 3) is awarded against junior party SUSAN F. GONSALVES.

FURTHER ORDERED that junior party SUSAN F. GONSALVES is not entitled to a patent containing claims 1-14 (corresponding to Count 2) of U.S. Patent 5,576,317, issued 19 November 1996 based on application 08/353,049 filed 09 December 1994.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c).

FURTHER ORDERED that a copy of this JUDGMENT shall be placed in the files of (1) application 09/985,679, filed 05 November 2001 and (2) U.S. Patent 5,576,317, issued 19 November 1996.

FURTHER ORDERED that the Clerk is directed to  
distribute the files upon entry of this JUDGMENT.

<u>/ss/ Fred E. McKelvey</u>	)	
FRED E. McKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
<u>/ss/ Michael P. Tierney</u>	)	
MICHAEL P. TIERNEY	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
<u>/ss/ James T. Moore</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

cc (via First Class mail):

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